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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,481 | 09/29/2003 | Yuka Hasegawa | Q77735 | 7983 |

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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| EXAMINER |
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ZEWDU, MELESS NMN

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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/671,481 | HASEGAWA, YUKA | |
| | Examiner | Art Unit | |
| | Meless N. Zewdu | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 4/20/06.
2. Claims 1-19 are pending in this action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "radio waves" must be shown or the feature(s) canceled from the claim(s). To further explain the feature, a reference can be made to (Figs. 2 and 3), wherein the connection/medium between the claimed contact-less IC and the external equipment (see figs. 2 and 3, element 2) is provided not as radio waves, as claimed. For example, "put mobile terminal over Reader/Writer" implies an Infrared connection/scanning. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-10, 13-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seita (US 6,973,327 B2) in view of Parupudi et al. (Parupudi) (US 2002/0119788 A1).

As per claim 1: Seita discloses a mobile terminal apparatus (fig. 6), comprising:

a contact-less IC (integrated circuit) device (see fig. 6, element 12) for use in communicating with the external equipment by radio waves (see fig. 6, element 14; col. 4, line 50-col. 5, line 50). But, Seita does not explicitly teach about accumulating

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authentication information from a higher-level apparatus and control means for enabling or disabling specific functions according to information received from the external equipment through the contact-less device, as argued by applicant. However, in a related field of endeavor, Parupudi teaches about a context aware cellular phone or computing device wherein a context service module (in the form of software and/or hardware) (see fig. 6, block 602; paragraphs 0045, 0093-0095) collects context (location and class type) information, based on received digital signature/authentication information (see paragraphs 0142-0143) and is provided in the computing device or the cellular phone for managing the behavior of the cellular phone or the computing device by turning off/on the device or phone based on information received from external device (see abstract; paragraphs 0007, 0157-0159, 0162-0163). Note: Seita's contact-less IC is a hardware module. Parupudi suggests that the context service module can be a hardware or/and software and could utilize a beacon transmitter (see paragraph 0144). Hence, the references are mutually modifiable. Therefore, it would have been obvious for ordinary skill in the art at the time the invention was made to modify the teaching of Seita with that of Parupudi for the advantage of enabling cell phones to automatically adjust their behavior based on their current location (see paragraph 0007).

As per claim 2: Seita teaches a mobile terminal apparatus wherein:

the external equipment is a reader/writer capable of reading and writing information from and to the contact-less IC device (see fig. 6, elements 12 and 14; col. 5, lines 4-13).

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As per claim 3: the features of claim 3 are similar to the features of claim 1. When the references are combined the cell phone of the prior art (Seita) can have specified functions enabled/disabled and its behavior (operation mode) will be based on information received externally.

As per claim 4: Parupudi teaches about a terminal apparatus, wherein the specified functions include at least a power supply function, a sound volume function, a vibration function, and an offline function (see paragraphs 0007, 0163, 0166). At least one function has been satisfied as required.

As per claim 7: the features of claim 7 are similar to the features of claim 1, except transmitting the information to the contact-less device after checking the authentication information received from the contact-less IC device, which is taught by Parupudi (paragraph 0169). Parupudi's reference asserts that the cell phone is provided with information to effect operation settings when the cell phone enters/registers (i. e., registers to a service provider in a given location). Although not explicitly mentioned, it is obvious for one of ordinary skill in the art that registering for a service obviously requires that the cell phone be authenticated. Hence, claim 7 is rejected on the same ground and motivation as claim 1.

As per claim 8: the feature of claim 8 is similar to the feature of claim 2. Hence, claim 8 is rejected on the same ground as claim 2.

As per claim 9: the feature of claim 9 is similar to the feature of claim 3. Hence, claim 9 is rejected on the same ground and motivation as claim 3.

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As per claim 10: the feature of claim 10 is similar to the feature of claim 4. Hence, claim 10 is rejected on the same ground and motivation as claim 4.

As per claim 13: the features of claim 13 are similar to the features of claims 1 and 7, except claim 13 is a method claim the steps of which are to be followed by the apparatus of claims 1 and 7 so as to perform the desired function. Hence, claim 13 is rejected on the same ground and motivation as claims 1 and 7.

As per claim 14: the feature of claim 14 is similar to the feature of claim 2. Hence, claim 14 is rejected on the same ground as claim 2.

As per claim 15: the feature of claim 15 is similar to the feature of claim 3. Hence, claim 15 is rejected on the same ground as claim 3.

As per claim 16: the feature of claim 16 is similar to the feature of claim 4. Hence, claim 16 is rejected on the same ground and motivation as claim 4.

As per claim 19: the claim is directed to a computer readable medium to enable the apparatuses of claims 1 and 7 to perform their intended functions. However, since the intended functions are shown to have been performed, the computer readable medium must be an obvious feature in the combined references of the prior art that have shown that the intended functions of claims 1 and 7 have been performed. Therefore, claim 19 is rejected on the same ground and motivation as claims 1 and 7.

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Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seia in view of Donner (US 7,031,945 B1)..

As per claim 5: but, Seita does not explicitly teach about a higher-level apparatus, which is a ticket issue server for issuing ticket information for use in authenticating an admission into an institution , as claimed by applicant. However, in a related field of endeavor, Donner teaches about an event admittance means (session ticket issuing server), which is a higher level apparatus, (see fig. 21), for issuing ticket information for use in authenticating an admission into an institution (see col. 45, lines 4-32; col. 48, lines 4-55). Donner's ticket issuing and admittance means/system includes wireless communication (see col. 10, lines 23-42; col. 11, lines 3-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Donner for the advantage of facilitating the sale and/or transfer of tickets, goods and services (see col. 1, lines 32-38).

As per claim 11: the feature of claim 11 is similar to the feature of claim 5. Hence, claim 11 is rejected on the same ground as claim 5.

As per claim 17: the feature of claim 17 is similar to the feature of claim 5. Hence, claim 17 is rejected on the same ground and motivation as claim 5.

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Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over references applied to claims 1, 7 and 13 above, and further in view of Slettengren et al. (Slettengren) (US 2002/0028674 A1).

As per claim 6: although the combined references shown above, particularly that of Parupudi, shows the use of verifiable digital signature (see paragraphs 0045, 0143), the combination does not explicitly teach about a higher-level apparatus, which is a certificate authority for issuing an electronic certificate, as claimed by applicant.

However, in a related field of endeavor, Slettengren teaches about a terminal apparatus wherein, the high-level apparatus is a certificate authority for issuing an electronic certificate (see paragraph 0054; claim 31). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify the above references with the teaching of Slettengren for the advantage of including a certificate in the digital signature, wherein the certificate is issued by a certificate authority (see paragraph 0054).

As per claim 12: the feature of claim 12 is similar to the feature of claim 6. Hence, claim 18 is rejected on the same ground as claim 6.

As per claim 18: the feature of claim 18 is similar to the feature of claim 6. Hence, claim 18 is rejected on the same ground and motivation as claim 6.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corsaro Nick can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless zewdu

Zewdu, Meless 07-05-06

Examiner

07 July 2006.